

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 420

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AN ACT to amend the Indiana Code concerning children.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a national criminal history background check of the applicant is completed through the state police department under ~~IC 5-2-5-15~~ **IC 10-13-3-39** before issuing a license.
- (3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.
- (4) Provide for the issuance, denial, suspension, and revocation of licenses.
- (5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.
- (6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.
- (7) Deposit all license application fees collected under section 2



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of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide ~~not later than January 1, 2004~~, an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

- (i) the identity of the child care provider;
- (ii) the date of the violation; and
- (iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

**The Internet site may not contain the address of a child care home. However, the site may include the county and ZIP code in which a child care home is located.**

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5(b); and

(B) a child care home licensed under IC 12-17.2-5;

**including practices to reduce the risk of sudden infant death syndrome.**

SECTION 2. IC 12-17.2-3.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) A provider shall ensure that a child in the provider's care is continually supervised by a caregiver.

(b) **A provider who operates a child care program in the provider's home (including a child care home licensed under IC 12-17.2-5) and who receives a voucher payment under this chapter shall complete the training course provided or approved by the division under IC 12-17.2-2-1(10) concerning safe sleeping practices.**

SECTION 3. IC 12-17.2-5-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:

- (1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency

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certificate as described in IC 12-14-5-2.

(2) Provide documentation to the division that the licensee:

(A) has completed;

(B) is enrolled in; or

(C) agrees to complete within the next three (3) years;  
a child development associate credential program or a similar  
program approved by the division.

**(3) Complete the training course taught or approved by the  
division concerning safe sleeping practices for a child within  
the person's care as described in IC 12-17.2-2-1(10).**

The division may grant a waiver or variance of the requirement under  
subdivision (2).

(b) A class I child care home may serve a school age child during a  
break in the school year that exceeds four (4) weeks if the following  
conditions are met:

(1) The school age child:

(A) was in the home part time during the four (4) months  
preceding the break; or

(B) has a sibling attending the child care home.

(2) The child care home meets the following requirements:

(A) Provides at least thirty-five (35) square feet for each child.

(B) Maintains the child to staff ratio required under rules  
adopted by the division for each age group of children in  
attendance.

(C) Provides age appropriate toys, games, equipment, and  
activities for each age group of children enrolled.

(D) If the licensee does not reside in the child care home, the  
child care home has:

(i) at least two (2) exits that comply with the exit  
requirements for an E-3 building occupancy classification  
under the Indiana building code adopted by the fire  
prevention and building safety commission; **and**

(ii) an illuminated exit sign over each required exit ~~and~~ **or**  
~~(iii)~~ emergency lighting for each required exit.

(3) The licensee for the child care home has maintained a class I  
child care home license for at least twelve (12) children:

(A) for at least one (1) year; and

(B) without any citations for noncompliance.

SECTION 4. IC 12-17.2-5-6.5 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for  
a license to operate a class II child care home under this chapter, a  
person must do the following:

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(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, **except for any illumination requirements**, in effect at the time the class II child care home provider **initially** applies for licensure; and  
(B) **the illumination requirements established in section 6.3(b)(2)(D) of this chapter.**

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family and children for class II child care homes.

**(9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).**

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 5. [EFFECTIVE UPON PASSAGE] **470 IAC 3-18-1(23) is void. The publisher of the Indiana Administrative Code and the Indiana Register shall remove this provision from the Indiana Administrative Code.**

SECTION 6. **An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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